



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,504	01/22/2004	Deborah K. Avis	P/3426-70	7249
2352	7590	03/09/2006	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			TRAN, CHUC	
			ART UNIT	PAPER NUMBER
			2821	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/763,504	Applicant(s) AVIS, DEBORAH K.	
	Examiner Chuc D. Tran	Art Unit 2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 and 17-22 is/are allowed.
- 6) ☒ Claim(s) 12-16 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

This is a response to the Applicant's Amendment submitted on December 16, 2005. By virtue of this amendment, claims 1-23 are now remaining active in the instant application.

Response to Arguments

1. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claims 8, 16, 19-22 are objected to because of the following informalities:
 - claims 8 and 22, line 1, "the motion sensor" change to - - the motion detector- - ;
 - claim 16, line 1, "a" (motion detector) change to - - the - -;
 - claims 19-21, line 1, "the microprocessor" change to - - the controller - -.
3. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 12-14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Scripps (USP. 5,432,500).

Regarding claim 12, Fitzner disclose a small sized for insertion in a battery cavity (40)

Art Unit: 2821

between a load device and battery in Fig. 2 having an automatic shut off timing device whose action is inhibited by a motion detector (42) (Abstract).

Regarding claim 13, Scripps disclose that an electronic switch (44) connected between the battery (40) to the load device (46) (Fig. 2); a timer (60); and a control circuit (50) to operated the electronic switch (44) (Fig. 2) (Col. 5, Line 1).

Regarding claim 14, Scripps disclose that the switch (44) conduct the current between the battery (40) to the load (46) (Fig. 2).

Regarding claim 16, Scripps disclose that the motion detector (42) reset the timer during the timing period before shut-off (Col. 5, Line 48).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 15 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Graham et al (USP. 6,819,071).

Art Unit: 2821

Regarding claim 15, Graham et al disclose in Fig. 2 a self-contained electrical circuit, comprising: a battery (8T1), a timer automatically times out and shuts off the battery power to a load device at a predetermined time after load device is turn on (Abstract) (Col. 2, Line 6-20).

Regarding claim 23, Graham et al disclose in Fig. 2 a self-container control module comprising: normally open circuit path (J1, J2) coupled to power source (8T1) and a load device; an switch (Q1) connected in the normally open circuit path (Fig. 2), the switch being operable between ON/OFF the circuit path (Col. 2, Line 18)); a programmable master controller (U2) which is operable to: control the electronic switch (Q1) (Col. 2, Line 18); and provide a gradual transition between the conductive and non-conductive (Col. 3, Line 1).

Allowable Subject Matter

8. Claims 1-11, 17 and 18-22 are allowed.

Reasons for Allowance

9. The following is an examiner's statement of reasons for allowance:

Prior art fails to disclose the combination of the limitations as set forth in the claims: a motion detector responsive to motion of the module to provide a reset signal for the timer, wherein the timer is operative when reset to initiate a predetermined timing interval; and the control unit is operative during the timing interval to maintain the electronic switch in the conductive state and in the non-conductive state as in independent claims 1 and 18.

Regarding claims 2-11, 17 and 19-22 are allowable for the reasons given above because of their dependency status from independent claims 1 and 18.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

Art Unit: 2821

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Citation of relevant prior art

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prior art Cheng (USP. 4,825,143) disclose digital meter automatic off power supply circuit.

Prior art Fitzner (USP. 4,809,122) disclose self-protective fuel pump driver circuit.

Prior art Nordholm et al (USP. 4,978,946) disclose personal security communication system.

Prior art Park et al (USP. 5,787,917) disclose automatic earthquake gas shut off system.

Prior art Novak et al (USP. 4,921,211) disclose method and apparatus for flow control.

Prior art Higley (USP. 5,628,242) disclose gas grill with automatic shut off controlled by dynamic activity sensor.

Prior art Broadhurst (USP. 6,316,880) disclose constant or variable brightness flashlight.

Prior Chen et al (USP. 5,686,887) disclose electronic locating device.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuc D. Tran whose telephone number is (571) 272-1829. The examiner can normally be reached on M-F Flex hours.

Art Unit: 2821

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**TRINH DINH
PRIMARY EXAMINER**

TC
March 6, 2006

A handwritten signature in black ink, appearing to read 'Trinh Dinh', with a long horizontal flourish extending to the right.